

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DYALL P. LEEWRIGHT,

Plaintiff,

v.

CASE NO. 05-3471-SAC

KEN McGOVERN, Douglas
County Sheriff, et al.,

Defendants.

O R D E R

This civil rights complaint, 42 U.S.C. 1983, was filed by plaintiff while he was confined at the Douglas County Jail, Lawrence, Kansas. He claimed denial of First Amendment rights, medical treatment and access to the courts, and sought injunctive relief.

By Order dated December 28, 2005, this court found that plaintiff's two motions for leave to proceed in forma pauperis (Docs. 2 & 5) were insufficient because neither included a certified statement showing the activity in his institutional account for the preceding six months. Plaintiff was ordered to submit a certified account statement, or copies of requests or grievances he has filed to obtain a statement and responses he has received.

Upon screening the complaint, the court found in its prior order plaintiff had not adequately pled that all available administrative remedies were fully and properly exhausted on all

his claims. Plaintiff was informed his complaint could be dismissed without prejudice for failure to state a claim. The court further noted plaintiff had been released from jail and was no longer subject to conditions there, so that his complaint appeared to be moot.

Plaintiff was given time to show cause why this action should not be dismissed for the reasons stated in this court's order of December 28, 2005. He was notified that if he failed to adequately respond in a timely fashion, this action could be dismissed without further notice. Plaintiff has filed no response to the court's order, and mail sent to plaintiff has been returned.

IT IS THEREFORE ORDERED that this action is dismissed for failure to state a claim, failure to respond to the court's order, and as moot.

IT IS FURTHER ORDERED that plaintiff's motions for leave to proceed in forma pauperis (Docs. 2 & 5) are denied as moot.

IT IS SO ORDERED.

Dated this 15th day of February, 2005, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge